

EPA Region 8 Listening Session with Tribal Historic Preservation Officers and their Representatives on the Proposed Dewey Burdock Uranium In-situ Recovery Project near Edgemont, South Dakota

September 10, 2015 from 1 to 7 pm at the Kelly Inn in Bismarck, North Dakota

EPA Region 8 has prepared the following informal summary of the concerns it heard during a listening session with a number of Tribal Historic Preservation Officers (THPOs) and their representatives on September 10, 2015. Through EPA's inform and educate meeting, the Region requested input on its proposed process for informal and formal consultation with tribes as well as its Underground Injection Control (UIC) permitting role as part of Powertech's proposed uranium in-situ recovery (ISR) operations at the Dewey Burdock project site in the southwestern portion of the Black Hills near Edgemont, South Dakota. Representing EPA Region 8 was Valois Shea, UIC Permit Writer, Douglas Minter, UIC Unit Chief, and Blake Huff, Tribal Program Manager.

This listening session opened at 1 pm after the host agency, North Dakota Department of Transportation (NDDOT), temporarily adjourned its meeting with the THPOs and their representatives before lunch. EPA passed out copies of its slides to those in attendance: (with Steve Vance's assistance, insert names of all confirmed attendees here). Douglas began by presenting slides on EPA's process and policy for informal and formal tribal consultation. The following concerns were raised during and immediately following Douglas' presentation:

- EPA needs to include Environmental Directors not just the THPOs in these sessions.
- Tribal Leaders should be able to request formal consultation, not wait for EPA to invite them.
- Is EPA really here to help us? Can we trust EPA and other federal agencies through this process?
- We are concerned about the use of water and where EPA is going to dispose of it.
- EPA needs to address environmental impacts globally, not just through its regulatory process or look at just water or air or land impacts.
- The reverse osmosis treatment of produced water will remove all essential nutrients. This is not consistent with natural law. Water is sacred.
- THPOs need funding to attend a future Regional Tribal Operations Committee meeting with the Environmental Directors. EPA confirmed that the next meeting will be held in Minot, ND.
- Emails or calls with EPA are not "consultation."
- EPA Region 8 needs to coordinate with other Regions to include Tribes outside of Region 8.
- What about cumulative effects not related to EPA's programs?
- EPA should be engaged in all environmental issues, not just those under EPA's jurisdiction.
- How often does EPA do studies of water and air quality to address environmental impacts? These should be done monthly and quarterly.
- EPA needs to take a hard look under NEPA at UIC permit-related impacts. Are there adequate mitigation measures?
- EPA should conduct a cultural resources survey of all acreage on the Dewey Burdock project site, not just what NRC has done so far. This should include water and air quality studies by EPA.
- OST will bear the full impact from the Dewey Burdock project being downstream, etc.
- EPA needs to take a hard look at least 25 to 30% of the 4,000 borehole logs at the Dewey Burdock project site.
- Tribes need to meet with EPA more often to discuss these issues.

Commented [SV1]: Dennis Yellow Thunder, Oglala Sioux Tribe;
Conrad Fisher, Northern Cheyenne Tribe;
Elise Montoya, Flandreau Santee Tribe;
Dianne Derosiers; Sisseton Wahpeton Oyate;

- EPA needs to address impacts to endangered species, including a short horned lizard. EPA committed to following up with the U.S. Fish and Wildlife Service to ensure that it is considering impacts to all species and associated habitat in/around the Dewey Burdock project site.
- Where does EPA gets its funding? EPA briefly described how its UIC program receives and distributes its funding to implement EPA, State, and Tribal UIC programs.
- EPA needs to fund its own meetings and find additional resources to engage in more tribal outreach since tribal leadership can change often. Concern that Powertech has paid for some of NRC's own work (e.g., the cultural resources survey).
- General concern about the aquifer exemptions.
- EPA should be monitoring ground water quality at the Dewey Burdock project, not Powertech.
- EPA must consider the impacts from this project including seismic potential.
- How can effects related to National Historic Preservation Act consultation be considered when not all of these effects will be known until after the project begins operating? All of the sacred sites need to be identified first before allowing any surface disturbances.
- EPA needs to consider all of the contentions brought to the ASLB's attention.
- Would EPA authorize Powertech to act on its behalf regarding its duty to consult on NHPA?
- EPA should determine the extent of the aquifer exemption boundaries, not Powertech.